of 1082 (3) Single Bench

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION NO. 4376 OF 2004

PETITIONER R.S. Kashyap, son of Late Shri N.R. Kashyap, aged about 46 years, Ophthalmic Assistant, resident of Jagal Para, Ward No.7, Nagri, District Durg (C.G.)

VS

RESPONDENTS

1. State of Chhattisgarh, through the Secretary, Department of Family Welfare & Health , Mantralaya, D.K.S. Bhawan, Raipur (C.G.)
2. The Director, Health Services, Directorate of Health Services, Old Nurses Hostel, Raipur.
3. The Chief Medical & Health Officer, District Dhamtari.
4. Shri Kanhaiyalal Saraf, Ophthalmic Assistant, Community Health Centre, Fingehswar, Raipur.
5. Shri Premnarayan Sahu, Ophthalmic Assistant, Primary Health Centre,Chhidgarh, Dantewada.

P.R. No. 4444/04 Presented by Shri 8900 dated 17/11/04

WRIT PETITION UNDER ARTICLE 226 & 227 OF THE CONSTITUTION OF INDIA.

(38)

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक WP 4376/04 **सन्** 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	08-12-2004 Miss Sharmila Singhai, Counsel for the petitioner. Shri Sudhir Agrawal, Panel Lawyer for the State. Application for urgent hearing is allowed. Heard. Learned counsel for the petitioner submits that the matter relates to transfer of the petitioner. She further submits that the petitioner has been transferred from Nagri, District Dhamtari to Dantewada vide order dated 26-10-2004 (Annexure-P/1). She also submits that the wife of the petitioner is working in the Health Department as A.N.M. She also submits that the petitioner has been transferred against the policy framed by the State Government that both the husband and wife should be posted at same place. She also submits that the petitioner is a patient of Diabetic & Asthma. She also submits that as per the policy of the State Government any officer who has served in the tribal area shall be given priority to be posted in a non-tribal area. Annexure-P/4 is the circular dated 11-1-1984 issued by the then State Government of Madhya Pradesh. She also submits that for the present the petitioner may be given an opportunity of filing the detailed representation before the competent authority of the respondents, which shall be considered on its own merits in accordance with law. Having considered and without expressing any opinion on the merits of the case, in the opinion of this Court, ends of justice	

(59)

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक WP 4376/04 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश —2—	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

will be served if a direction is given to the petitioner to make a detailed representation raising his grievances before the competent authority of the respondents along with a copy of the petition and this order, within 15 days, and on such representation being filed, the competent authority of the respondents shall decide the same on its own merits in accordance with law as early as possible preferably within two months from the date of receipt of the representation.

Learned counsel for the petitioner submits that the petitioner has not been relieved. She prays that the petitioner may be allowed to continue.

It is directed that if the petitioner has not been relieved and other person has not joined in place of the petitioner, the petitioner may be allowed to continue till the representation is decided. It is made clear that if the petitioner has already been relieved or other person has already joined in place of the petitioner, this order will not entitle the petitioner to rejoin at the earlier place of posting.

With the aforesaid observation, this petition stands disposed of.

Consequently, M.W.P.No.4727/2004 also stands disposed of.

Certified copy as per rules.

Sd/-
Fakhruddin
Judge

K/A 10.12.04

15.12.04 16/12/10